

JOURNAL OF THE HOUSE.

Thursday, June 1, 2006.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, in Whose presence we live each moment of the day, we pause to offer a prayer for Your guidance and to reflect on our own spiritual and human values. Your assistance enables us to be women and men who have clear goals and priorities which help us meet the needs and challenges of these changing times. As elected leaders, we are often confronted with pressing current legislative and policy issues. Your assistance gives us the wisdom to resolve issues and to plan thoughtfully for the future of our children and communities. Help to be faithful each day to our own political, philosophical and religious principles and ideals.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

Mr. Petrolati of Ludlow being in the Chair,—

Non-custodial  
parents,  
insurance.

A message from His Excellency the Governor recommending legislation relative to increasing parental involvement and responsibility relative to health insurance (House, No. 4999) was filed in the office of the Clerk on Wednesday, May 31.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Revenue. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Thomas F.  
McDonald.

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Thomas F. McDonald on the occasion of his retirement;

Freda Mester  
Green.

Resolutions (filed by Mr. Bradley of Hingham) on the occasion of the one hundredth birthday of Freda Mester Green;

Sondra  
Finegold.

Resolutions (filed by Mr. Finegold of Andover) congratulating Sondra Finegold on the occasion of her retirement;

Wayne  
MacDonald.

Resolutions (filed by Mr. Galvin of Canton) congratulating fire-fighter Wayne MacDonald;

James  
Wolfe.

Resolutions (filed by Mr. Galvin of Canton) congratulating Sergeant Detective James Wolfe;

Resolutions (filed by Mr. Kocot of Northampton) recognizing June 5, 2006 as Dominic Daley and James Halligan Memorial Day;

Dominic Daley  
and James  
Halligan.  
Thomas P.  
O'Neill, Jr.

Resolutions (filed by Mr. Koutoujian of Waltham and other members of the House) recognizing the dedication of the Boston Central Artery/Tunnel project in honor of Thomas P. O'Neill, Jr., on June fifth, two thousand and six; and

Resolutions (filed by Mr. Miceli of Wilmington) honoring James K. McGuire on his retirement from the John W. Wynn Middle School as principal;

James K.  
McGuire.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Mr. Donato of Medford being in the Chair,—

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2500.

General  
Appropriation  
Bill.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on further motion of Mr. DeLeo, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives DeLeo, St. Fleur of Boston and deMacedo of Plymouth as the committee on the part of the House. Sent to the Senate to be joined.

Committee of  
conference.

Subsequently the bill came from the Senate with the endorsement that said branch had insisted on its amendment, concurred in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Murray, Panagiotakos and Knapik had been joined as the committee on the part of the Senate.

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The House Bill authorizing terminal audits for commercial vehicles (House, No. 2113, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting before the enacting clause the following emergency preamble:

Terminal  
audits for  
commercial  
vehicles.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with federal law and to ensure the availability of federal highway grants, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience."

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the

Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Motor carrier  
safety law.

The House Bill relative to preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (House, No. 4488, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with the federal Motor Carrier Improvement Act and preserve federal highway funds, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.”.

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Health Care  
Financing  
committee,  
extension  
of time for  
reporting.

*Ordered*, That Notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing shall be granted until Tuesday, June 20, 2006, within which to make its final report on current Senate numbers 1276, 1278, 1290 and House number 4689.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the order (having been approved by the committees on Rules of the two branches, acting concurrently), was considered forthwith; and it was adopted, in concurrence.

Middlesex  
County  
Jail.

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Middlesex County House of Correction and Jail, in the town of Billerica, was spread upon the records of the House; and returned to the Senate.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Bourne and  
Sandwich,  
gas  
transmission.

Petition (accompanied by bill) of Jeffrey Davis Perry and others that the Division of Capital Asset Management and Maintenance be authorized to grant easements on certain property in the towns of Bourne and Sandwich to Algonquin Gas Transmission and Keyspan Energy of New England. To the committee on Bonding, Capital Expenditures and State Assets.

Children,  
care and  
protection.

Petition (accompanied by bill) of Marie J. Parente and Stanley C. Rosenberg relative to the care and protection of children within the jurisdiction of the Department of Social Services. To the committee on Children and Families.

Petition (accompanied by bill) of Bradley H. Jones, Jr., for legislation to authorize organizations to employ certain persons to conduct raffles and bazaars. To the committee on Consumer Protection and Professional Licensure.

Raffles  
and  
bazaars.

Petition (accompanied by bill) of John W. Scibak and others for legislation to establish a sick leave bank for Kathreen Tessier, an employee of the Department of Revenue. To the committee on Public Service.

Kathreen  
Tessier,  
sick leave.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Correia of Fall River, for the committee on Elder Affairs, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2896) of Ronald Mariano for legislation to establish a direct care worker reserve fund; and

Direct care  
worker reserve  
fund.

Of the petition (accompanied by bill, House, No. 2943) of Peter J. Koutoujian relative to dementia special care units in long-term care facilities;

Long-term  
care  
facilities.

And recommending that the same severally be recommitted to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Report of the committees on Rules of the two branches, acting concurrently, that the Resolve relative to the study on methods to reduce incidents of suicide (House, No. 2697) ought NOT to pass (under Joint Rule 10); and

Suicide,  
study.

Report of the same committees, that the Resolve providing for an investigation and study by a special commission relative to noise pollution (House, No. 3896) ought NOT to pass (under Joint Rule 10).

Noise  
pollution,  
study.

Under suspension of the Rules, in each instance, on motion of Mr. Scaccia of Boston, the report was considered forthwith.

Pending the question, in each instance, on “Shall this resolve be rejected?”, the resolve was referred, on further motion of the same member, to the committee on Rules.

A report of the committee on Consumer Protection and Professional Licensure, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 2124) of Timothy J. Toomey, Jr., and others for legislation relative to continuing education of building officials and licensed construction supervisors, was considered forthwith, under suspension of the rules, on motion of Mr. Pedone of Worcester.

Building  
officials,  
education.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of the Bill relative to continuing education of building officials and licensed construction supervisors (House, No. 2124), which was read.

The amendment was adopted; and the bill was referred, under Rule 33, to the committee on Ways and Means.

Rating  
Bureau,  
vehicle  
repairs.

Report of the committee on Financial Services, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, House, No. 3018) of Robert F. Fennell that the Rating Bureau within the Division of Insurance be directed to study direct payment and referral repair shop plans by motor vehicles insurers; and

Physical  
assistants.

Report of the same committee, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, House, No. 4913) of Peter J. Koutoujian and Susan C. Fargo relative to the payment of benefits for services provided by registered physician assistants;

Severally were considered forthwith, under suspension of the rules, in each instance, on motion of Mr. Mariano of Quincy.

Pending the question, in each instance, on acceptance of the report, the petition was recommitted, on further motion of the same member.

Public  
Health,  
beds.

A report of the committee on Public Health, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4853) of Peter J. Koutoujian and Rhonda Bourne that the Department of Public Health be required to hold public hearings before the removal of publicly-funded beds under the jurisdiction of the Commonwealth, was considered forthwith, under suspension of the rules, on motion of Mr. Koutoujian of Waltham.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

Voting  
procedures,  
study.

By Mr. Petrucci of Boston, for the committee on Election Laws, on House, Nos. 64, 65, 79, 80, 96 and 127, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning voting procedures in the Commonwealth (House, No. 5001).

Hunting,  
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 4517, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document concerning hunting on Sundays (House, No. 5002).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Patients  
rights.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to patients' rights (House, No. 2724) ought to pass with certain amendments in line 7, by striking out the word "that" and inserting in place thereof the words "provided that any such medications", and in line 8, by inserting after the word "personal" the words "and would not otherwise be used in the treatment of another patient". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, to whom were referred the Bill relative to nursing home audit disallowances (House, No. 1498) and the Bill relative to the nursing home tax (House, No. 4728) reports, recommending that the bill (House, No. 1498) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Nursing  
home audit  
disallowances.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Bill further regulating the issuance of death certificates (House, No. 1468); and

Death  
certificates.

Bill relative to the access to epinephrine in schools (House, No. 2637);

Schools,  
epinephrine.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on Senate, No. 231 and House, Nos. 4070 and 4445, a Bill authorizing the town of Wareham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5003) [Local Approval Received].

Wareham,  
liquor  
licenses.

By the same member, for the same committee, on House, No. 4497, a Bill authorizing the town of Southbridge to grant additional liquor licenses (House, No. 5004) [Local Approval Received].

Southbridge,  
liquor  
licenses.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill designating a portion of the Captain William K. Webb Memorial State Park as the Robert B. Ambler Walkway (House, No. 4921).

Weymouth,  
Robert B.  
Ambler  
Walkway.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Orders of the Day.*

The Senate Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (Senate, No. 2511) was read a second time; and it was ordered to a third reading.

Second reading  
bill engrossed.

Subsequently, under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

The House Bill relative to the financial conditions in the Pentucket Regional School District (House, No. 4883, changed) was read a second time; and it was ordered to a third reading.

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Subsequently, under suspension of the rules, on motion of Ms. Stanley of West Newbury, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

### House bills

Establishing the state pharmacy council (House, No. 2722); and

Second reading  
bills.

Authorizing the appointment of police officers in the town of Milford (House, No. 4715);  
Severally were read a second time; and they were ordered to a third reading.

Second reading bill.

The House Bill relative to equitable coverage for annuity policies (House, No. 2970) was read a second time; and it was referred, under Rule 33, to the committee on Ways and Means.

House reports.

House reports  
Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 99) of Bradley H. Jones, Jr., and others relative to the distribution of absentee balloting materials by the Secretary of the Commonwealth;  
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 104) of Bradley H. Jones, Jr., and others relative to contributions to political committees by certain non-profit or charitable organizations; and  
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 4071) of Bradley H. Jones, Jr., and others that cities and towns be authorized to place before the voters a question on re-acceptance of the community preservation law;  
Severally were accepted.

Construction supervisor license.

House reports  
Of the committee on Consumer Protection and Professional Licensure, ought NOT to pass, on the petition (accompanied by bill, House, No. 2213) of Arthur J. Broadhurst and Steven A. Baddour relative to the suspension or revocation of licenses for knowingly or willfully constructing residential developments on contaminated sites;

Late payment fees.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 2938) of Steven M. Walsh and others for legislation relative to further regulating late payment fees on open end credit accounts;

Elisabeth Hathaway, psychologist.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3373) of Charlotte Harris relative to granting a license as a psychologist in the Commonwealth to Elisabeth H. Hathaway, a resident of the State of California;

Board of Foresters.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3376) of Michael Leonard relative to the feasibility of including the Forest Licensing Board under the control of a board of registration of foresters;

Real estate transactions.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3409) of David P. Kapturowski relative to requiring radon notification prior to real estate transactions; and

Consumer reporting agencies.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3961) of Todd M. Smola relative to consumer reporting agencies;  
Severally were considered.

Pending the question, in each instance, on acceptance of the report the petition was recommitted, on motion of Mr. Pedone of Worcester.

Recesses.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Hynes of Marshfield (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.  
The House thereupon took a further recess, on motion of Mr. Moran of Boston until a quarter before two o'clock; and at one minute after two o'clock the House was called to order with Mr. Donato in the Chair.

Recesses.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 58, amended) be scheduled for consideration by the House.  
Under suspension of Rule 7A, on motion of Mr. Guyer of Dalton, the bill was read a second time forthwith; and it was ordered to a third reading.

Washington, land conveyance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to James Farina (House, No. 4656) be scheduled for consideration by the House.  
Under suspension of Rule 7A, on motion of Mr. LeDuc of Marlborough, the bill was read a second time forthwith; and it was ordered to a third reading.

Marlborough, land.

Orders of the Day.

The House Bill further regulating driver education and junior operator's licenses (House, No. 4826) was read a second time.  
Pending the question on ordering the bill to a third reading, Mr. Wagner of Chicopee moved that further consideration thereof be postponed until Wednesday, June 14.  
After remarks the motion prevailed.

Junior operator's licenses.

Recess.

At twenty-four minutes after two o'clock P.M., on motion of Mr. Greene of Billerica (Mr. Donato of Medford being in the Chair), the House recessed until half past three o'clock; and at twenty-three minutes before four o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measure.*

Bridgewater,  
land.

The engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey and acquire certain parcels of land in the town of Bridgewater (see Senate, No. 2511), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

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Mr. Sciortino of Somerville then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twelve minutes before four o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.